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2 UNITED STATES DISTRICT COURT

3 EASTERN DISTRICT OF NEW YORK

4 -----x

5 HILLARY LAWSON, KRISTINA HALLMAN,
6 STEPHANIE CALDWELL, MOIRA HATHAWAY,
7 MACEY SPEIGHT, ROSEMARIE PETERSON,
and LAUREN FULLER,

7

Plaintiffs,

8

-against-

Case No. 1:17-cv-06404

9

10 HOWARD RUBIN, JENNIFER POWERS,
and the DOE COMPANY,

11

Defendants.

12

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13

October 16, 2018
10:07 a.m.

14

15 Videotaped Deposition of JENNIFER
16 POWERS, taken by Plaintiffs, pursuant to
17 Notice, at the offices of Balestriere
18 Fariello, 225 Broadway, New York, New
19 York, before ERIC J. FINZ, a Shorthand
20 Reporter and Notary Public within and for
21 the State of New York.

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1

2 ALSO PRESENT:

3 HOWARD RUBIN

4 RUDOLFO DURAN, Videographer

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1 JENNIFER POWERS

2 Q. When did you have a personal
3 relationship with him? When did it
4 begin?

5 A. Sometime, my dates are a
6 little bit foggy. Just being that it was
7 so long ago. But I believe it was in
8 2007, I met Howie February or March of
9 2007.

10 Q. Why do you remember that it
11 was February or March?

12 A. Because it was cold outside.

13 Q. And did you become friends?
14 What kind of relationship did you begin
15 in February or March of 2007 with
16 Mr. Rubin?

17 A. We became friends. We met at
18 the nightclub. He was a client. And
19 after we met we exchanged email
20 addresses. And that was it.

21 Q. What do you mean by saying he
22 was a client?

23 A. He was there purchasing -- he
24 was a client at the nightclub.

25 Q. Purchasing what?

1 JENNIFER POWERS

2 A. Purchasing alcohol.

3 Q. You said that you didn't date
4 at that time.

5 A. No.

6 Q. Did you date at a later time?

7 A. Yes.

8 Q. When?

9 A. Later in 2007.

10 Q. For how long?

11 A. For the duration on and off of
12 three years.

13 Q. Why on and off? Did you break
14 up and then get back together?

15 A. Not specifically. But I was
16 new to New York and I was travelling a
17 lot. And I was making new friends. So
18 when I was here in New York we had an
19 exclusive relationship.

20 Q. But when you travelled you
21 didn't, is that what you mean?

22 A. Yes, we did. But when I was
23 gone, you know, I didn't see him. So.
24 From what I knew it was an exclusive
25 relationship.

1 JENNIFER POWERS

2 Q. When you started working for
3 him, when was that again?

4 A. So I would say in 2011.

5 Q. Do you remember when in 2011,
6 what part of the year?

7 A. I don't.

8 Q. Were you dating when you first
9 started working for Mr. Rubin?

10 A. No.

11 Q. When did you stop dating
12 Mr. Rubin?

13 A. Sometime in 2010.

14 Q. Have you dated him since?

15 A. No.

16 Q. When you say you started
17 working for Mr. Rubin, what was your job?

18 A. I was his executive assistant.

19 Q. What were your duties as his
20 executive assistant?

21 A. I did lots of things for him.
22 I did gift shopping for him and his
23 family. I planned various reservations
24 that he needed booked. Since I had been
25 a cocktail in the nightlife scene, my

1 JENNIFER POWERS

2 network of restaurants and people that I
3 knew, it made it easy for me to book him
4 wherever he wanted to go. Anything
5 day-to-day tasks that he needed, I was
6 there for him.

7 Q. Can you give me an example of
8 what you mean by day-to-day tasks?

9 A. Sure. Booking a reservation
10 at a restaurant for him. Perhaps
11 shopping for a new jacket for him. Stuff
12 of that nature.

13 Q. Did you have an office that
14 you worked out of for him?

15 A. No.

16 Q. What email address did you use
17 to do work for Mr. Rubin when you started
18 at least in 2011?

19 A. I used [REDACTED].

20 Q. Did you change the email
21 address that you used for your work with
22 Mr. Rubin since 2011?

23 A. Yes, eventually I did.

24 Q. When?

25 A. I don't remember. But that's

1 JENNIFER POWERS

2 when I switched to [REDACTED].

3 Q. What about the phone number,
4 what phone number did you use when you
5 were doing work for Mr. Rubin, when you
6 started in 2011?

7 A. [REDACTED]

8 Q. Just to be clear, by [REDACTED] you
9 mean the [REDACTED] number you said before.
10 Right?

11 A. Yes, sir.

12 Q. Did you change that number at
13 any time?

14 A. No.

15 Q. How were you paid starting in
16 2011?

17 A. Howie would wire me.

18 Q. So you received your money by
19 wire?

20 A. Yes.

21 Q. Did you report that as income
22 on your tax returns?

23 A. I don't know.

24 Q. How frequently were you paid?

25 A. Every month.

1 JENNIFER POWERS

2 Q. How much were you paid in
3 2011?

4 A. \$10,000 a month.

5 Q. Did your pay -- withdrawn.
6 For how long did you work for
7 Mr. Powers?

8 MR. GROVER: Objection.

9 MR. BALESTRIERE: Excuse me.

10 Q. How long did you work for
11 Mr. Rubin, excuse me?

12 A. For five or six years.

13 Q. Do you work for him now?

14 A. No.

15 Q. When did you stop working for
16 him?

17 A. I would say at the end of
18 2017.

19 Q. Why did you stop working for
20 him?

21 A. Well, this lawsuit was a big
22 part of it.

23 Q. Can you explain what you mean
24 by that?

25 A. Right, there was nothing --

1 JENNIFER POWERS

2 there was nothing left to do.

3 Q. So let me go back now to 2011.

4 You said at the time he was paying you
5 \$10,000 a month. Is that correct?

6 A. Yes, sir.

7 Q. Just so that I'm clear, that
8 doesn't sound like it was dependent on
9 hours or tasks, it was just 10,000 a
10 month. Correct?

11 A. Yes.

12 Q. Did your pay go up at any
13 time?

14 A. Yes.

15 Q. When?

16 A. Maybe 2014.

17 Q. To what amount at that time?

18 A. 15,000 a month.

19 Q. Did your pay go up after it
20 went up in 2014?

21 A. No.

22 Q. So when you ended your employ
23 with Mr. Rubin at the end of 2017, at the
24 time you were still getting \$15,000 a
25 month. Is that correct?

1 JENNIFER POWERS

2 A. Yes.

3 Q. Are you aware what the term
4 BDSM means?

5 A. Yes.

6 Q. What do you understand it to
7 mean?

8 A. I understand it to mean a
9 lifestyle. It's bondage, domination,
10 sadomasochism.

11 Q. Did you have a BDSM
12 relationship with Mr. Rubin?

13 A. [REDACTED]
14 [REDACTED]
15 [REDACTED]

16 Q. [REDACTED]
17 [REDACTED]

18 A. [REDACTED]
19 [REDACTED].

20 Q. [REDACTED]

21 A. [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED].

1 JENNIFER POWERS

2 Q. [REDACTED]

3 A. [REDACTED]

4 [REDACTED]

5 Q. [REDACTED]

6 A. [REDACTED]

7 Q. [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 A. [REDACTED]

13 [REDACTED]

14 Q. [REDACTED]

15 [REDACTED].

16 [REDACTED]

17 [REDACTED]

18 A. [REDACTED]

19 Q. [REDACTED]

20 A. [REDACTED]

21 [REDACTED]

22 [REDACTED].

23 Q. [REDACTED]

24 [REDACTED]?

25 A. [REDACTED].

1 JENNIFER POWERS

2 Q. [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 A. [REDACTED].

7 Q. [REDACTED]

8 A. [REDACTED]

9 Q. [REDACTED]

10 A. [REDACTED]

11 Q. [REDACTED]

12 A. [REDACTED]

13 Q. [REDACTED]

14 A. [REDACTED]

15 Q. [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 A. [REDACTED]

20 [REDACTED]

21 Q. [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 A. [REDACTED]

25 Q. [REDACTED]

1 JENNIFER POWERS

2 [REDACTED]

3 A. [REDACTED]

4 Q. [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 A. [REDACTED]

8 Q. Do you know what a ball gag
9 is?

10 A. Yes.

11 Q. [REDACTED]

12 A. [REDACTED]

13 Q. [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 A. [REDACTED]

17 Q. [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 A. [REDACTED]

21 Q. [REDACTED]

22 [REDACTED]

23 A. [REDACTED]

24 Q. [REDACTED]

25 [REDACTED]

1 JENNIFER POWERS

2 A. [REDACTED]

3 Q. [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 A. [REDACTED]

7 Q. [REDACTED]

8 A. [REDACTED]

9 Q. When did you start recruiting
10 other women for Mr. Rubin?

11 MR. GROVER: Objection to the
12 form.

13 Q. Do you understand what I mean?

14 A. No, I don't actually.

15 Q. There came a time when you
16 started contacting other women to bring
17 those women to Mr. Rubin. Correct?

18 A. No.

19 Q. So just to be clear, your
20 testimony is that you did not contact
21 other women?

22 A. I've never contacted anyone to
23 introduce to Howie.

24 Q. You know that Mr. Rubin met
25 with other women at some point. Correct?

1 JENNIFER POWERS

2 A. Yes.

3 Q. How did you get involved in
4 that?

5 A. Well, I was his assistant. So
6 oftentimes he would text me and say hey,
7 so and so is going to come to New York,
8 here's her number, would you mind booking
9 her a flight.

10 Q. How did, in the example you
11 used, how did Mr. Rubin first make
12 contact or learn about so and so?

13 A. I have no idea.

14 Q. He didn't tell you?

15 A. No.

16 Q. Besides you, did Mr. Rubin
17 have, since September 2011, any other
18 executive assistants?

19 A. No.

20 Q. Are you aware of any other
21 individuals that made contact with women
22 to bring those women in some fashion to
23 Mr. Rubin?

24 A. Yes.

25 Q. Who?

1 JENNIFER POWERS

2 A. I know that Stephanie Shon
3 introduced a few women to Howie.

4 Q. So that I'm clear, what do you
5 mean by "introduced"?

6 A. She made the introduction.

7 Q. Your testimony is that you
8 never made an introduction of a woman to
9 Mr. Rubin. Is that correct?

10 A. That is correct.

11 Q. Does Mr. Rubin have sex with
12 men?

13 A. No.

14 Q. So just to be clear, the
15 introductions we're talking about only
16 involved women. Is that correct?

17 A. Yes.

18 Q. Besides Stephanie Shon, are
19 you aware of any other individuals that
20 introduced women to Mr. Rubin?

21 A. I know that your client, [REDACTED]
22 introduced him to other women.

23 Q. Okay. So let's talk about
24 that. When was that?

25 A. 2016.

1 JENNIFER POWERS

2 user, you didn't need at that point to
3 get further permission from Mr. Rubin in
4 order to put money on that credit card.
5 Is that accurate?

6 A. Well, you don't put money on a
7 credit card.

8 Q. Withdrawn. I asked a poor
9 question.

10 Once you were an authorized
11 user on the credit card, you didn't need
12 to speak to Mr. Rubin in order to use
13 that credit card to get cash and to make
14 these PayPal payments. Is that correct?

15 A. I don't know how you would get
16 cash from a credit card. But to use
17 PayPal, to send from a credit card, yes.

18 Q. How did you know how much to
19 PayPal [REDACTED]

20 A. Howie would tell me.

21 Q. How would he tell you?

22 A. On text message. And, I'm
23 sorry, when I say text message, I mean
24 WhatsApp. All of our conversations were
25 through WhatsApp.

1 JENNIFER POWERS

2 of other individuals other than the
3 seven named plaintiffs in this
4 case.

5 Q. Do you understand my question?

6 A. Yes, sir, I do.

7 Q. So for whom did you book
8 flights in 2017?

9 A. I know that I booked flights
10 for [REDACTED],

11 [REDACTED]

12 [REDACTED]

13 MR. GROVER: I'm going to
14 direct the witness --

15 MR. BALESTRIERE: She's
16 speaking. Please let her finish,
17 counsel, you're interrupting your
18 own witness.

19 MR. GROVER: I'm going to
20 interrupt her to direct her that
21 we're not permitting her to answer
22 questions with the names of any
23 individuals that are not plaintiffs
24 or the parties already named in
25 this action.

1 JENNIFER POWERS

2 remember.

3 Q. So now I'm going to ask you
4 about prior to 2017. Prior to 2017, at
5 any time, did you pay any money to any
6 women on behalf of Mr. Rubin?

7 A. I'm sorry, repeat the
8 question.

9 Q. Sure.
10 So we've just been talking
11 about 2017 who you booked flights for and
12 to whom you paid money. Correct?

13 A. Yes.

14 Q. Maybe just to clarify, are
15 there any other women to whom you paid
16 money in 2017 except for the women you
17 just referenced, or I referenced?

18 A. You know what, as I'm
19 thinking, I believe -- hold on. 2017,
20 those flights that I booked of the people
21 that we just named, I believe were in
22 2016.

23 Q. Okay.

24 A. So please restate your
25 question again, I'm sorry.

1 JENNIFER POWERS

2 Q. So more recent.

3 A. Okay.

4 Q. Did you book any flights for
5 any women to come to New York to meet
6 with Mr. Rubin in 2017?

7 A. [REDACTED] I know for sure.
8 And I can't remember who else.

9 Q. Prior to 2016, did you book
10 any flights for women to come to New York
11 to meet with Mr. Rubin?

12 A. Yes.

13 Q. For how many women prior to
14 2016?

15 A. I don't know.

16 Q. More than ten?

17 A. What time period are we
18 talking about?

19 Q. Any time prior to January 1,
20 2016.

21 A. So 2011 to 2016?

22 Q. Yes.

23 A. Is that what you're saying?
24 Okay.

25 Q. So in the time period you just

1 JENNIFER POWERS

2 described, 2011 to, let's call it
3 December 31, 2015.

4 A. Okay.

5 Q. My question was, had you
6 booked any women to come to New York on
7 flights to meet with Mr. Rubin?

8 A. Yes.

9 Q. How many?

10 A. That I don't know.

11 Q. More than ten?

12 A. Yes.

13 Q. More than thirty?

14 A. Probably not.

15 Q. More than twenty?

16 A. I really don't know. It would
17 be hard for me to speculate.

18 Q. But it's more than ten, but
19 almost certainly less than thirty?

20 A. Under thirty would be my best
21 guess.

22 Q. Okay. How many flights,
23 meaning not how many women, but how many
24 flights do you think you booked from the
25 time period 2011 to the end of 2015?

1 JENNIFER POWERS

2 Q. Okay. And you just testified
3 that it was more than ten women but
4 probably fewer than thirty women.
5 Correct?

6 A. Right.

7 Q. And you corrected my question
8 to say you always did roundtrip flights.
9 Who did you book those flights
10 for prior to January 1, 2016?

11 A. [REDACTED] I know. [REDACTED]

12 [REDACTED] I know. [REDACTED].

13 Q. How do you spell [REDACTED]?

14 A. [REDACTED].

15 That's, I mean, that's
16 basically what I remember.

17 Q. So you just said three names,
18 [REDACTED] and [REDACTED],
19 [REDACTED]?

20 A. Yes.

21 Q. And those are three
22 individuals for whom you booked flights
23 to come to New York to meet with
24 Mr. Rubin prior to January 1, 2016. Were
25 those the only women or the only ones you

1 JENNIFER POWERS

2 remember right now?

3 A. They are the only ones that
4 I'm remembering right now. There was
5 another girl that was friends with
6 [REDACTED], her name was [REDACTED]
7 [REDACTED]. I don't remember the last name
8 exactly. But [REDACTED]. But that's, I
9 think that's really what I can remember
10 just sitting here.

11 Q. That's all I'm asking for.

12 A. Okay.

13 Q. I should have asked to
14 clarify. [REDACTED], are
15 those two [REDACTED] for the [REDACTED] and the
16 [REDACTED]?

17 A. Yes, sir.

18 Q. So you just named four
19 individuals. But there were other
20 individuals, you just don't remember who
21 they are right now. Is that correct?

22 A. Oh, I did book [REDACTED].

23 And yes, there were other
24 individuals, I can't remember the names.

25 Q. All I'm asking is what you

1 JENNIFER POWERS

2 remember.

3 And again, right now I'm
4 restricting my questions to flights. For
5 these five individuals who you just
6 named, did you also pay money to those
7 individuals?

8 A. Yes.

9 Q. On behalf of Mr. Rubin?

10 A. Yes, sir.

11 Q. How much?

12 A. It depended.

13 Q. On?

14 A. Whatever Howie told me.

15 Q. So Mr. Rubin would tell you
16 pay X to [REDACTED] and you would do that.
17 Correct?

18 A. Yes.

19 Q. What was the range of X in my
20 example?

21 A. Anywhere from a thousand to
22 5,000.

23 Q. Just to be clear, is that a
24 thousand to 5,000 for each occasion that
25 this individual was in New York?

1 JENNIFER POWERS

2 A. Yes.

3 Q. Besides paying for flights and
4 besides making those kind of direct
5 payments to the individuals, did you make
6 other payments to these individuals for
7 something else?

8 A. No.

9 Q. Did you ever make payments for
10 medical treatment or anything like that,
11 to the best of your recollection?

12 A. No.

13 Q. Did you ever meet --
14 withdrawn.

15 Did all the women that you
16 booked to come to New York, did they
17 always meet Mr. Rubin at the apartment?

18 A. In the beginning, no.
19 Actually, the apartment came about to be
20 sometime summer of 2011. So before that,
21 the meetings could be outside the
22 apartment.

23 Q. Where?

24 A. A hotel.

25 Q. Was there a specific hotel?

1 JENNIFER POWERS

2 A. No.

3 Q. How many hotels, do you
4 recall?

5 A. I don't remember.

6 Q. Where were the hotels located?

7 A. In Manhattan.

8 Q. In midtown Manhattan?

9 A. Yes, sir.

10 Q. Were there any not in the
11 midtown area?

12 A. I don't remember there being
13 any outside that area.

14 Q. So besides the apartment and
15 besides the hotel, where else, if
16 anywhere, did Mr. Rubin meet with the
17 individuals who -- for whom you booked
18 these flights?

19 A. They would go to a restaurant,
20 or perhaps a Broadway show or a movie.
21 Maybe a rooftop for drinks.

22 Q. Do you remember which shows,
23 which Broadway shows?

24 A. Hamilton.

25 Q. Besides that, do you remember

1 JENNIFER POWERS

2 if there were any others?

3 A. I can't remember right now.

4 Q. That's okay.

5 You mentioned rooftop, do you
6 mean like a rooftop bar?

7 A. Yes.

8 Q. Do you remember which?

9 A. I know the Viceroy was a
10 favorite. And that's the only one that
11 I'm remembering.

12 Q. Okay. You said movies. Do
13 you remember where --

14 A. No.

15 Q. -- they would go to the movie?
16 Did you ever attend any of the
17 Broadway shows with Mr. Rubin and the
18 woman?

19 A. No.

20 Q. What about at the Viceroy or
21 any other rooftop bars, did you ever meet
22 with Mr. Rubin and the women for whom you
23 booked these flights?

24 A. No.

25 Q. Did you ever go to the movies

1 JENNIFER POWERS

2 with Mr. Rubin and any of these women?

3 A. No.

4 Q. You also said a restaurant.

5 Were you referring to a specific

6 restaurant or different restaurants?

7 A. Different restaurants.

8 Q. Which?

9 A. I know that his favorite, he
10 liked to go to the Wayfarer, in midtown.
11 And there is also another restaurant
12 called the Russian Tea Room. And there
13 is another restaurant called, it starts
14 with an M, but I can't remember it. It
15 has Michelin stars.

16 Q. Do you remember where that M
17 Michelin starred restaurant is?

18 A. It's right on Central Park.

19 Q. Maybe like near Columbus
20 Circle?

21 A. I believe so.

22 Q. What about Tao, T-a-o?

23 A. Yes, Tao was another favorite.
24 Midtown and downtown locations. He also
25 liked to go to Avra, A-v-r-a, which is in

1 JENNIFER POWERS

2 midtown. Lavo.

3 Q. Did you ever attend any of
4 these dinners with Mr. Rubin and the
5 women?

6 A. No.

7 Q. So just so that I'm clear,
8 besides sometimes Broadway shows,
9 sometimes movies, when there wasn't the
10 apartment, do you know if Mr. Rubin met
11 with the women for whom you booked these
12 flights anywhere other than certain --
13 the hotels that you don't remember, which
14 is okay, the restaurants and the rooftop
15 bars?

16 A. No. But I do remember the
17 hotel, Mandarin Oriental was one of the
18 hotels.

19 Q. And just so that I'm clear,
20 it's one of the hotels, so there were
21 other hotels as well?

22 A. I believe so.

23 Q. Did you ever -- withdrawn.

24 Do you know if Mr. Rubin ever
25 travelled to meet with any of the women?

1 JENNIFER POWERS

2 Q. What about any actual physical
3 books, did he keep any records in any
4 physical books regarding the women he met
5 with?

6 A. Not that I'm aware of.

7 Q. Now, the apartment that we
8 were talking about, whose name was on the
9 lease?

10 A. Howie's.

11 Q. Was it under his personal
12 name, do you know?

13 A. I believe so.

14 Q. We were discussing before
15 nondisclosure agreements. Do you know
16 which plaintiffs, so now I'm going to
17 restrict it to that, signed nondisclosure
18 agreements?

19 A. Yes.

20 Q. Which?

21 A. All of them.

22 Q. Now I'm going to talk
23 nonplaintiffs and ask you if you know if
24 they signed any nondisclosure agreements.
25 Do you know if [REDACTED] did?

1 JENNIFER POWERS

2 A. I believe so.

3 Q. What about [REDACTED]

4 A. Yes.

5 Q. [REDACTED], do you know if
6 she did?

7 A. Yes.

8 Q. What about [REDACTED], do
9 you know if she did?

10 A. I believe so.

11 Q. [REDACTED], did she
12 signed a nondisclosure agreement?

13 A. I believe so, yes.

14 Q. What about [REDACTED]?

15 A. Yes.

16 Q. And [REDACTED]?

17 A. Yes.

18 Q. Were you ever present when any
19 of the women we just discussed signed
20 these nondisclosure agreements?

21 A. Yes.

22 Q. Where did they sign them?

23 A. In the condo, in the
24 apartment.

25 Q. Did everyone we just discussed

1 JENNIFER POWERS

2 sign the nondisclosure agreement in the
3 apartment?

4 A. I believe so.

5 Q. Was there anywhere else that
6 they signed them, to your knowledge?

7 A. Not to my knowledge.

8 Q. But I guess I'm not sure, do
9 you think that they might have? I'm not
10 sure if I understand what your
11 recollection is, forgive me.

12 A. No, no, I'm sorry.

13 Q. That's okay.

14 A. I always signed the release
15 with them. So being that it was me that
16 always was with them when they signed the
17 release, I usually met them at the
18 apartment. And that's where we signed.

19 Q. So you always signed the
20 nondisclosure agreements with the women
21 that we've been discussing. Correct?

22 A. I always discussed it with
23 them and made sure that they knew what
24 they were signing, yes.

25 Q. Okay. But I understand you're

1 JENNIFER POWERS

2 saying what you discussed with them. I
3 just want to be clear, you were always
4 there when they signed these
5 nondisclosure agreements. Correct?

6 A. Yes, correct.

7 Q. And just to clarify because
8 we've used the term "release" at certain
9 point. When you use the term "release,"
10 you're referring to the same document,
11 the nondisclosure agreement?

12 A. It's actually a nondisclosure
13 agreement and release.

14 Q. Do you prefer another name for
15 it, I don't want to be confusing?

16 A. You can call it whatever you
17 want.

18 Q. What do you call it?

19 A. I call it the release.

20 Q. So then I'll call it the
21 release.

22 You were always present with
23 each of the women we've discussed when
24 they signed the releases. Correct?

25 A. Yes.

1 JENNIFER POWERS

2 Q. And you were always present
3 with them at the apartment when they
4 signed these releases. Right?

5 A. Yes, sir.

6 Q. Who, if anyone else, was
7 present when they signed these releases?

8 A. Well, in [REDACTED] case, when she
9 brought a friend, that other person would
10 be there as well.

11 Q. Who are we talking about a
12 friend?

13 A. [REDACTED] So then it would
14 be [REDACTED] and I signing -- and going
15 over the same release, executing it.

16 Q. And you were the only ones
17 there during at least when [REDACTED]
18 signed it. Is that correct?

19 A. Yes.

20 Q. Okay. Was Mr. Rubin ever
21 present when you were with the women
22 we've been discussing and they signed the
23 releases?

24 A. No.

25 Q. What about anyone else really,

1 JENNIFER POWERS

2 besides you and the actual signers of the
3 release, was anyone else present?

4 A. No.

5 Q. Was anyone else present in the
6 apartment at all when you were signing
7 the release -- withdrawn.

8 I'll ask again.

9 When you were in the apartment
10 with the women we've been discussing
11 signing the releases, was anyone else
12 present anywhere else in the apartment?

13 A. No, sir.

14 MR. BALESTRIERE: Do you want
15 to take a break?

16 THE WITNESS: Why, do I look
17 like I need a break?

18 MR. BALESTRIERE: I'm ready to
19 keep going if you are.

20 THE WITNESS: I'm good.

21 Q. What kinds of questions, I'm
22 just going to go through the different
23 plaintiffs here, did [REDACTED] ask you
24 about the release?

25 A. [REDACTED] didn't have any questions.

1 JENNIFER POWERS

2 arise I would know what were coming if
3 they stopped. But neither one of them
4 had any questions.

5 Q. Neither [REDACTED] nor
6 [REDACTED]?

7 A. No, sir.

8 Q. Okay. What about [REDACTED],
9 were you present when [REDACTED] signed the
10 release?

11 A. Yes, I was.

12 Q. What questions, if any, did
13 she have about the release?

14 A. She did not have any as well.

15 Q. [REDACTED], you were present
16 when she signed the release?

17 A. You know, I can't remember
18 signing with [REDACTED]. But I'm sure
19 that I did. I just can't remember.

20 Q. Why do you think there is a
21 particular issue with recall about that,
22 because it just happened a while ago,
23 like much longer than the others?

24 A. Yeah, the time. The time is,
25 I don't remember.

1 JENNIFER POWERS

2 Q. How long was your apartment
3 search from when you first decided to
4 find a place and to the time that
5 Mr. Rubin ended up approving it?

6 A. I don't remember.

7 Q. Now, when you started the
8 rent, was the apartment furnished?

9 A. Yes, it was.

10 Q. Did you want a furnished
11 apartment?

12 A. I don't think it mattered.

13 Q. How was the monthly rent paid
14 for, do you know?

15 A. Howie took care of it.

16 Q. So that's not something that
17 went through you?

18 A. No.

19 Q. What about maintenance of the
20 apartment, were you involved in any kind
21 of maintenance of the apartment?

22 A. Yes.

23 Q. Like what?

24 A. I would buy toilet paper for
25 the apartment, toiletries. I would -- I

1 JENNIFER POWERS

2 basically made the apartment as homy as I
3 could. Everything that anyone could want
4 while they were staying with us in New
5 York.

6 Q. Besides the women for whom you
7 booked these flights, did anyone else
8 stay in that apartment -- withdrawn.

9 That was a -- besides
10 Mr. Rubin and the women for whom you
11 booked these flights, did anyone else
12 sleep overnight in that apartment?

13 A. Not that I can remember.

14 Q. Do you know if Mr. Rubin ever
15 had friends or anyone else like that stay
16 at the apartment?

17 A. Not that I can remember.

18 Q. Did you ever sleep at the
19 apartment?

20 A. No.

21 Q. Besides the basic toiletries
22 and whatnot you mentioned, what about a
23 maid service, were you involved in any
24 kind of cleaning service for the
25 apartment?

1 JENNIFER POWERS

2 A. Yes.

3 Q. Explain your involvement,
4 please.

5 A. The maid would clean the
6 sheets and the dishes and vacuum the
7 floor.

8 Q. Was that a maid that came with
9 the building or a service that came with
10 the building?

11 A. No.

12 Q. Who was the service that you
13 hired?

14 A. It was an individual person.

15 Q. How did you find that person?

16 A. Through a recommendation.

17 Q. Who recommended the
18 individual?

19 A. So her husband was a busser at
20 one of the clubs that I had worked at.

21 Q. Which club?

22 A. Marquee.

23 Q. So just so that I'm clear, you
24 knew a busser from your work at Marquee
25 and it was his wife?

1 JENNIFER POWERS

2 code to.

3 Q. I get that. I think that's
4 where I thought you were going, I wanted
5 to clarify. I'm not asking who he did.
6 I'm asking you.

7 A. Right.

8 Q. Or rather I'm asking who you
9 remember about who you gave it to, if
10 anyone.

11 A. I can't remember if I gave it
12 to anyone or not.

13 Q. Now, the sex toys, the BDSM
14 objects and so forth that were in the
15 second bedroom, how did they get in
16 there?

17 A. I put them there.

18 Q. So did you make the purchases?

19 A. Yes, sir, I did.

20 Q. At Mr. Rubin's direction?

21 A. Yes.

22 Q. When, when did you first make
23 the purchases?

24 A. When we first got the
25 apartment.

1 JENNIFER POWERS

2 A. That I don't remember. It was
3 an ongoing thing. And sometimes I would
4 just pick things up while I was out, even
5 at Duane Reade, they now sell vibrators.

6 Q. So you said you needed
7 vibrators for the room.

8 A. Yes.

9 Q. What else?

10 A. Condoms.

11 Q. What else?

12 A. Sex toys.

13 Q. What do you mean by "sex
14 toys"?

15 A. Dildos, plastic silicone
16 dildos, vibrators. I would buy the
17 batteries for those vibrators. I bought
18 certain restraints, certain furniture.
19 And whips, paddles, rope. Everything
20 that one would want for the BDSM
21 lifestyle and fetish.

22 Q. I'm sorry, I just want to ask
23 you about some of the details. You
24 talked about furniture, what kind of
25 furniture would you buy?

1 JENNIFER POWERS

2 A. BDSM furniture.

3 Q. Explain that to me. Give me
4 an example.

5 A. Sure. There are actual BDSM
6 furniture sites. And bespoke makers of
7 BDSM furniture that we purchased. One
8 example would be a cross that has
9 restraints at the top. The other would
10 be an example of a bed type thing that
11 you lay across, and it would have
12 restraint, various restraints along the
13 side of it.

14 We did have a sex machine in
15 there called a Sybian or Symian. Stuff
16 of that nature.

17 Q. So in terms of furniture,
18 you're talking about the Sybian, a cross,
19 a bed. What else, if anything, in terms
20 of furniture?

21 A. Well, the furniture changed
22 also. So in the beginning when the lease
23 started, the furniture was different from
24 when we ended the lease.

25 Q. Why was there a change?

1 JENNIFER POWERS

2 A. Sanitary reasons. Maybe
3 something broke. Preferences changed.

4 Q. What do you mean by
5 "preferences changed"?

6 A. Well, I know that in the very
7 beginning we had a big bed in there,
8 with, it was a BDSM bed, and it had a
9 canopy type thing with restraints along
10 the top and along the side. But after a
11 year or so of that, it got to be too
12 cumbersome in there, it was too big and
13 bulky, taking up too much room, so we
14 changed it.

15 Q. Do you know how many square
16 feet the second bedroom was?

17 A. I have no idea.

18 Q. What percentage of all the
19 space in the apartment was in that second
20 bedroom?

21 A. I'm sorry, can you rephrase?

22 Q. Sure.

23 What portion of the apartment
24 was this second bedroom? Are we
25 talking -- to the best of your

1 JENNIFER POWERS

2 A. No.

3 Q. Besides those three pieces of
4 furniture, what other BDSM furniture, if
5 any, were there in the second bedroom?

6 A. At one point we had a certain
7 type of gyno chair. With the legs spread
8 apart, or you could have the legs put
9 together. And at one point there was a
10 queen's chair, it was called a queen's
11 chair. And when you sat on it, there was
12 a hole where your backside goes, and then
13 along the side of the chair there were
14 restraints, as well as the legs had
15 restraints on them as well.

16 Q. Did the gyno chair actually
17 have restraints on it or not?

18 A. I believe so.

19 Q. Describe those restraints.

20 A. Same as before.

21 Q. So just to be clear, that
22 means we're dealing with a kind of belt
23 type restraint that was lined with fur.
24 Correct?

25 A. Yes.

1 JENNIFER POWERS

2 Q. But your testimony is that
3 those restraints were never put on so
4 tightly such that the woman could just
5 pull her hands or I guess legs through
6 the gyno chair restraints. Correct?

7 A. Yes.

8 Q. The queen's chair, the
9 restraints were in two places, is that
10 correct, for the legs and then hands
11 above the head?

12 A. I believe so. They were all
13 along the back side of the chair. And on
14 the bottom on the legs as well.

15 Q. And I think you answered this,
16 and forgive me, the restraints on the
17 queen's chair, were they the same kind of
18 restraints as on the gyno chair and the
19 cross and the bed?

20 A. Yes.

21 Q. Did you purchase all these
22 from the same seller?

23 A. I can't remember. But I know
24 that we had a few various sellers. Or
25 people that made the furniture

1 JENNIFER POWERS

2 A. I believe so.

3 Q. The only things that were
4 custom-made were the cross and bed. Is
5 that correct?

6 A. To the best of my knowledge,
7 that I can remember.

8 Q. So besides those, the queen's
9 chair, gyno chair, the cross, the bed,
10 the upside down U and I'll just call it
11 the bench and then the Sybian, was there
12 any other furniture that you purchased
13 for the place?

14 A. Not that I could remember.
15 Oh, I'm sorry, for the place?

16 Q. Withdrawn. For the second
17 bedroom, sorry.

18 A. Not that I can remember.

19 Q. Did you buy any BDSM furniture
20 for outside of the second bedroom?

21 A. No.

22 Q. The upside down U, did that
23 have restraints on it?

24 A. Yes.

25 Q. What kind of restraints?

1 JENNIFER POWERS

2 Q. I don't want you to assume.

3 If you don't remember, that's fine.

4 A. Right.

5 Q. What do you remember was
6 restrained?

7 A. I just remember there being
8 restraints along the side of it for use
9 of restraint. There were those hooks.

10 Q. What hooks?

11 A. The hooks that the cuff, that
12 the cuffs would go into to restrain.

13 Q. So we're dealing with a cuff
14 that's like a belt. Correct?

15 A. Yes.

16 Q. And it was leather. Right?

17 A. Yes.

18 Q. And lined with fur?

19 A. Yes.

20 Q. But then it could be like
21 hooked into a particular place on the
22 bench. Is that correct?

23 A. Yes.

24 Q. Your testimony, though, is
25 that the woman could just pull her hands

1 JENNIFER POWERS

2 out of those restraints if she so chose.

3 Correct?

4 A. I would believe so, yes.

5 Q. So besides these restraints --
6 let me actually clarify.

7 Was there any other furniture
8 that you purchased for the second
9 bedroom?

10 A. Not that I remember. It's
11 possible. But not that I could remember.

12 Q. Besides the restraints on that
13 furniture, what other restraints did you
14 purchase for use in the second bedroom?

15 A. I purchased rope.

16 Q. What kind of rope?

17 A. It was a soft, braided, thick
18 type rope.

19 Q. Where did you get that rope
20 from?

21 A. From the BDSM store, Purple
22 Passion.

23 Q. Besides that rope, what other
24 restraints, if any, did you purchase for
25 the apartment? The second bedroom,

1 JENNIFER POWERS

2 Q. It just gets renewed every
3 month unless you say no?

4 A. Yes.

5 Q. Do you have to take steps for
6 that formally to be paid by way of the
7 credit card?

8 A. No, it's on automatic.

9 Q. Okay. Were you ever in the
10 second bedroom when Mr. Rubin was having
11 sexual activity with a woman?

12 A. No.

13 Q. Were you ever in any other
14 part of the apartment when Mr. Rubin was
15 having sexual activity with a woman
16 anywhere in the apartment?

17 A. No.

18 Q. Why not?

19 A. Because that was Howie's
20 private time.

21 Q. What did you think Mr. Rubin
22 did with his private time in the
23 second -- excuse me, in the second
24 bedroom in the apartment?

25 A. He was into a BDSM lifestyle.

1 JENNIFER POWERS

2 Q. But you didn't observe what he
3 did in that apartment -- withdrawn.

4 You did not observe what
5 Mr. Rubin did with the women in the
6 second apartment -- sorry, maybe I'm the
7 one that needs a break. I'll start over.

8 I just want to be clear on
9 what your testimony is, ma'am. You did
10 not observe Mr. Rubin with any women in
11 the second bedroom in the apartment.
12 Correct?

13 A. Correct.

14 Q. Thank you. Sorry.

15 Are you aware of any drug use
16 that took place in the apartment
17 anywhere?

18 A. Not that I was aware of.

19 Q. So you just were not aware of
20 it?

21 A. Yes.

22 Q. Did you ever see any drug
23 paraphernalia?

24 A. Sometimes I smelled weed, I
25 smelt weed.

1 JENNIFER POWERS

2 Q. Do you know if the weed was
3 coming from inside the apartment?

4 A. I believe so.

5 Q. When did you smell it? Like
6 meaning was this when you entered with
7 other women, in the morning when you were
8 cleaning? When was this?

9 A. Sometimes when I was cleaning
10 I would definitely smell pot, or
11 sometimes I would see butts of sort of
12 cigarettes. But that's not drugs. But I
13 did smell pot.

14 Q. You just said you saw
15 cigarette butts. Did you see any blunts
16 or joints or anything like that?

17 A. No.

18 Q. Did you ever see any pills
19 laying out --

20 A. No.

21 Q. -- when you were in the
22 apartment?

23 Did you ever do any drugs with
24 Mr. Rubin?

25 A. No.

1 JENNIFER POWERS

2 relation to when they met with Mr. Rubin?
3 And let me explain what I mean. Did they
4 get paid before they met, after they met,
5 when?

6 A. If the payment was by me,
7 after. In general a couple of days, a
8 day or two.

9 Q. Did you get some kind of
10 confirmation from Mr. Rubin that woman X
11 had met with him so then it was okay to
12 pay woman X? How did that work?

13 A. Howie would tell me by
14 WhatsApp how much to PayPal that person.

15 Q. Before you talked about a
16 range. What determined what a given
17 woman got paid after a meeting with
18 Mr. Rubin?

19 A. If they had sex, in my mind,
20 they got \$5,000. If they didn't have
21 sex, they would get less.

22 Q. What do you mean by in your
23 mind? I'm not sure what you mean by
24 that.

25 A. If Howie told me PayPal so and

1 JENNIFER POWERS

2 so \$5,000, in my mind that meant they had
3 sex.

4 Q. So he wouldn't make it
5 explicit, I had sex, pay them 5,000, but
6 you just deduced because it was a higher
7 amount that sex had been involved?

8 A. I knew that that's what the
9 girls were coming for, for sex. And I
10 knew that that was the amount that was
11 agreed upon, was \$5,000.

12 Q. How did you know that that was
13 the agreed upon amount?

14 A. Because Howie told me.

15 Q. He told you before meeting
16 with the women?

17 A. Way back when. It's just
18 known. And the girls told me as well.

19 Q. When would they tell you?

20 A. They would tell me, they would
21 ask me when they were going to get their
22 \$5,000.

23 Q. Would they say I had sex with
24 Rubin, pay me 5,000? How did you know
25 that some kind of sexual intercourse was

1 JENNIFER POWERS

2 would help me with some of the tasks, you
3 know, if Howie needed a gift to be picked
4 up or something brought to the condo,
5 [REDACTED] was there, I was able to call
6 him.

7 Q. What's his last name?

8 A. [REDACTED]

9 Q. Can you spell that, please?

10 A. [REDACTED]

11 Q. And what was his relation to
12 you or to Mr. Rubin that you sought to
13 rely on him?

14 A. He was a good friend of mine.
15 He's a makeup artist. So.

16 Q. Was he compensated by
17 Mr. Rubin for his work?

18 A. He was compensated by me
19 through PayPal.

20 Q. So you continued to get paid
21 the 15,000 a month [REDACTED]
22 [REDACTED], and [REDACTED] would kind of help pick
23 up the slack a little bit. Is that
24 correct?

25 A. Yes, sir.

1 JENNIFER POWERS

2 C E R T I F I C A T E

3 STATE OF NEW YORK)
4 : ss.
5 COUNTY OF NEW YORK)

6 I, ERIC J. FINZ, a Shorthand
7 Reporter and Notary Public within and for
8 the State of New York, do hereby certify:

9 That JENNIFER POWERS, the witness
10 whose deposition is hereinbefore set
11 forth, was duly sworn by me and that such
12 deposition is a true record of the
13 testimony given by the witness.

14 I further certify that I am not
15 related to any of the parties to this
16 action by blood or marriage, and that I
17 am in no way interested in the outcome of
18 this matter.

19 IN WITNESS WHEREOF, I have hereunto
20 set my hand this 19th day of October,
21 2018.

22

23

24

25



ERIC J. FINZ